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(UNITED STATES PATENT AND TRADEMARK OFFICE REGISTRATION #52,808)

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Assistant Commissioner for Patents

Washington, D.C. 20231

(By FAX to 703 872 9306)

*Before the United States Patent & Trademark Office*

**Application No. 10/628,891**

A. Michael Chambers, Examiner

Art Unit 3753

**Reply to Office Action with a mailing date of 08 August 2004**

Dear Mr. Chambers:

I have carefully reviewed the teaching of Grün (U.S. Patent 666,051) and the teaching of Reid (U.S. Patent 3,594,825). I must respectfully disagree with the rejection of claims 1-7 based on 35 U.S.C. §102(b) and the rejection of claims 8-17 based on 35 U.S.C. §103.

First I will address the rejection of claims 1-7 based on 35 U.S.C. §102(b). Several lines of argument are presented. Any one of those arguments indicates that the rejections are not appropriate:

- Proper rejection under 35 U.S.C. §102(b) requires that the reference disclose every element of the claimed invention (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Using claim 1 as an example for specific analysis, Grün does not teach "A recreational vehicle equipped with at least one permanently attached exterior water outlet on a side of the recreational vehicle which is different from the side of the recreational vehicle housing the city water inlet." Significant differences include:

- Grün does not teach a recreational vehicle. He teaches a tank wagon for delivering beer. Putting “recreational vehicle” in quotation marks does not transform a beer wagon into a recreational vehicle.
  - Grün does not teach water flowing in from a “city water inlet.” He teaches receiving beer from a brewery basement.
  - Grün does not teach water flowing out from an exterior outlet for use at or near that location. He teaches pumping beer into a building for use remote from the cart.
- For 35 U.S.C. §102(b) an explicit difference is a difference even if it is a mere “design choice.” While something being mere “design choice” may be relevant to application of 35 U.S.C. §103, in some cases, it is not appropriate for application of 35 U.S.C. §102(b).
- The difference between a recreational vehicle and a tank wagon for delivering fermented liquors cannot be viewed as a mere “design choice.”
  - A recreational vehicle could not effectively serve the function of Grün’s tank wagon for delivering fermented liquors. Similarly, it strains the imagination to picture Grün’s tank beer wagon being used as a recreational vehicle. If the two cannot be used for each other’s function, the substitution of a recreational vehicle for a tank wagon for delivering fermented liquors cannot be considered a mere design choice.
  - The fluid system of Grün’s beer wagon could not effectively serve as a recreational vehicle plumbing system. Similarly, a recreational vehicle plumbing system would not work well for beer transportation. If the two cannot be used for each other’s function, the substitution of a recreational vehicle plumbing system for a beer wagon plumbing system cannot be considered a mere design choice.
- It is clear from the specification of application 10/628,891 that “side” is not intended to include the top and bottom, but rather refers to front, back, starboard and port. In that meaning, Grün’s “C” and “G” are not on different sides.

Now I will address the rejection of claims 8-17 based on 35 U.S.C. §103. Several lines of argument are presented. Please note that although the arguments are similar to those above, they are not identical. Any one of those arguments indicates that the rejections are not appropriate.

- The difference between a recreational vehicle and a tank wagon for delivering fermented liquors cannot be viewed as a mere “design choice.”

- A recreational vehicle could not effectively serve the function of Grün's tank wagon for delivering fermented liquors. Similarly, it strains the imagination to picture Grün's tank beer wagon being used as a recreational vehicle. If the two cannot be used for each other's function, the substitution of a recreational vehicle for a tank wagon for delivering fermented liquors cannot be considered a mere design choice.
  - The fluid system of Grün's beer wagon could not effectively serve as a recreational vehicle plumbing system. Similarly, a recreational vehicle plumbing system would not work well for beer transportation. If the two cannot be used for each other's function, the substitution of a recreational vehicle plumbing system for a beer wagon plumbing system cannot be considered a mere design choice.
- For the nature of the invention disclosed in application 10/628,891, the beer wagon art is a nonanalogous art to the recreational vehicle art. Those skilled in the recreational vehicle art would not be reasonably expected to look to beer wagons to solve the sort of problem of user convenience and sanitation addressed in application 10/628,891.
- No motivation is found in Grün or in Reid for combining the teachings of those references. No other reference is cited indicating such motivation. "The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." (*Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984)).
- It is clear from the specification of application 10/628,891 that "side" is not intended to include the top and bottom, but rather refers to front, back, starboard and port. In that meaning, Grün's "C" and "G" are not on different sides.
- Advantages for the placement of the water outlet in the invention disclosed in the specification of application 10/628,891 are specifically discussed at length in that specification. Grün does not explicitly discuss the selection of specific locations for "C" and "G" or state that those specific locations have special significance. Although Grün does not explicitly state a reason for the positions he chooses for "C" and "G," the motivations could not logically have been the same as for the invention disclosed in the specification of application 10/628,891. The reasons for placement being different, the placement teachings of Grün cannot be appropriately applied in this case.

It is respectfully requested that the claims be allowed.

Sincerely,

Paul H. Demchick  
Registered Patent Agent  
USPTO Registration #52,808

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent & Trademark Office, FAX Number (703) 872-9306 on 11 August 2004.

Paul H. Demchick